

**Notice of Allowability**

Application No.

09/344,795

Applicant(s)

EVANS, NICHOLAS D.

Examiner

James A. Reagan

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the RCE and amendment filed on 28 November 2005.
2. ☒ The allowed claim(s) is/are 2,4,10,16,18,33-35,50-52 and 54-56.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

## **DETAILED ACTION**

### **Status of Claims**

1. This action is in response to the RCE and amendment filed on 28 November 2005.
2. Claims 2, 4, 10, 16, 18, and 33-35 are amended.
3. Claims 3, 5-9, 11-15, 17, and 19-25 have been cancelled.
4. Claims 46-56 are newly added.
5. By Examiner's amendment below, claims 46-49 and 53 have been cancelled.
6. By Examiner's amendment below, claims 2, 33, 50, and 52 are amended.
7. Claims 2, 4, 10, 16, 18, 33-35, 50-52, and 54-56 are currently pending and have been examined.

### **Allowable Subject Matter**

8. Claims 2, 4, 10, 16, 18, 33-35, 50-52, and 54-56 are allowed. See Reasons for Allowance under separate heading.

## **EXAMINER'S AMENDMENT**

9. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
10. Authorization for this examiner's amendment was given in a telephone interview with H. Dale Langley, Jr. on 11 January 2006.

11. The application has been amended as shown below and the current listing of claims is as follows:

Claim 1 (cancelled).

Claim 2 (currently amended): A method of providing customer service interactions and rating of customer service via a communications network, comprising:

accessing an interactive website by a customer;

inputting by the customer to the interactive website;

sending by the customer, over the communications network to the interactive website, a comment and a customer service rating by the customer corresponding to a content entered in the step of inputting, the comment and the customer service rating relevant to a customer service provider;

receiving the comment and the customer service rating at a storage operable in conjunction with a host server of the interactive website;

storing the comment and the customer service rating in the storage;

manipulating the comment and the customer service rating in the storage;

deriving a customer service points score reflecting the comment and the customer service rating, as well as other information and inputs to the storage, including inputs by pluralities of different ones of the customer, relevant to the customer service provider;

notifying the customer service provider that the comment is in the storage;

making the interactive website accessible to the customer service provider at a geographic location remote from the storage;

viewing the rating on the interactive website by the customer service provider at the geographic location;

viewing the comment on the interactive website by the customer service provider at the geographic location;

inputting by the customer service provider, to the interactive website, a response to the comment;

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storing the response in the storage; and  
accessing the interactive website by the customer to view the response;  
wherein the steps of inputting and sending by the customer, of receiving the comment and the customer service rating, of notifying the customer service provider, and of inputting by the customer service provider of the response are each performed in substantially real time.

Claims 3 (cancelled).

Claim 4 (previously presented): The method of claim 2, further comprising:  
notifying the customer that the response to the comment.

Claims 5-9 (cancelled).

Claim 10 (previously presented): The method of claim 4, wherein at least one of the step of notifying the customer or the step of notifying the customer service provider comprises sending an e-mail.

Claims 11-15 (cancelled).

Claim 16 (previously presented): The method of claim 10, further comprising:  
embedding a hyperlink into the e-mail; and  
accessing the interactive website via the hyperlink, to view the comment.

Claim 17 (cancelled).

Claim 18 (previously presented): The method of claim 16, further comprising:  
enabling the customer service provider to register at the interactive website;  
registering by the customer service provider; and

preventing the customer service provider from performing the steps of viewing the rating, viewing the comment and inputting by the customer service provider the response, unless the customer service provider has first successfully completed the step of registering.

Claims 19-32 (cancelled).

Claim 33 (currently amended): A system for providing a customer service intermediary between at least one consumer communication device and a customer service communication device across a communication network, comprising:

- a processor;

- a memory device coupled to said processor;

- a communication device coupled to said processor and said memory device, that enables communication via the communication network;

- a database that is stored and updated in said memory device; and

- an application program that is executed by said processor from said memory device comprising:

- first code, responsive to a query from the consumer communication device via said communication device, that instructs said communication device to make accessible by the consumer communication device an interactive website suitable for input of a comment and a rating at the consumer communication device, the comment being deliverable to the communication device coupled to the processor and the memory;

- second code, responsive to receiving the comment and the rating at said communication device, that stores the comment and the rating into said database;

- third code, responsive to receiving the comment and the rating at said communication device, that instructs said communication device to send a notification to the customer service communication device;

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fourth code, responsive to receiving the comment and the rating at said communication device, that calculates a point score corresponding to the rating and others of the rating then stored in said database; and

fifth code, responsive to a query from other than said communication device, that makes accessible the point score as having then been calculated and also makes accessible the comment and any other comments in the database;

wherein the first code, the second code and the third code each operate in substantially real time.

Claim 34 (previously presented): The system of claim 33, the application program further comprising:

sixth code, responsive to a query from the customer servicer communication device via said communication device, that instructs said communication device to forward a notice of said comment to the customer servicer communication device;

seventh code, responsive to a registration submitted by the customer servicer communication device via said communication device, that makes operable the eighth and ninth codes;

eighth code, responsive to a query from the customer servicer communication device via said communication device, that instructs said communication device to authorize access by the customer servicer communication device to the comment; and

ninth code, responsive to operation of the eighth code, that allows the customer servicer communication device to respond to the comment.

Claim 35 (previously presented): The system of claim 34, the application program further comprising:

tenth code, responsive to operation of the ninth code, that instructs said communication device to forward any response from operation of the ninth code to the consumer communication device.

Claims 36-45 (cancelled).

Claims 46-48 (cancelled).

Claim 49 (cancelled).

Claim 50 (currently amended): The method of claim 2 49, further comprising the step of: accessing by the customer to view the response, in substantially real time.

Claim 51 (previously presented): The method of claim 50, further comprising pluralities of the steps of receiving the comment and the customer service rating, notifying the customer service provider, and inputting by the customer service provider of the response, and accessing by the customer to view the response, are each performed in substantially real time.

Claim 52 (currently amended): A method of providing an interactive customer service system operable via a computer network, comprising:

providing a website communicably connected to the computer network;

communicably connecting a customer device over the computer network, to the website;

inputting a comment by the customer device to the website over the computer network;

providing the website with a notification director;

directing a notification by the notification director, to a customer service provider, in response to the step of inputting the comment;

receiving the notification by the customer service provider;

registering by the customer service provider to view the comment via communications over the computer network by a customer service provider device, communicably connected to the computer network;

viewing the comment by the customer service provider device by communicative connection over the computer network to the website;

inputting a response at the customer service provider device relevant to the comment;

sending the response to the customer device, via the website and the computer network;

wherein the steps of inputting the comment, directing the notification, receiving the notification, viewing the comment, inputting the response, and sending the response are all performed in substantially real time.

Claim 53 (cancelled).

Claim 54 (previously presented): The method of claim 52, wherein the method allows real time interactive communications between the customer device and the customer service provider device over the computer network.

Claim 55 (previously presented): The method of claim 52, further comprising the step of:  
determining a point score for the customer service provider, based on pluralities of the comment and the response by varied pluralities of the customer device respecting the customer service provider; and

displaying the point score for the customer service provider on the website, accessible over the computer network.

Claim 56 (previously presented): The method of claim 55, further comprising the step of:  
determining a rank for the customer service provider against criteria; and



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displaying the rank for the customer service provider on the website, accessible over the computer network.

### Reasons For Allowance

12. The following is an Examiner's statement of reasons for allowance:

None of the art of record, taken individually or combination, disclose at least the method steps or system components of:

- *notifying the customer service provider that the comment is in the storage;*
- *wherein the steps of inputting and sending by the customer, of receiving the comment and the customer service rating, of notifying the customer service provider, and of inputting by the customer service provider of the response are each performed in substantially real time.*

More specifically, the prior art of record fails to disclose an online feedback system wherein the customer service provider is notified that a customer comment has been received and stored, and the notification step is done in real time.

Claims 2, 33, and 52 are distinguished over the closest prior art of EBAY, which discloses:

- Receiving a comment from the buyer about a product or service purchased from a seller on their auction site (enclosures 2 and 3).
- The comment is stored for future reference (enclosures 2 and 4).
- Users may access and review historical feedback through the network (enclosures 2 and 5).
- Notifications (enclosure 6 and enclosure 21).

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- User (company) logs in and queries the database for comments left for the user (enclosures 7 and 4).
- Company responds to the comment left by the buyer (enclosure 4).
- The response is stored for future reference (enclosures 2 and 4).
- Users may access and review historical feedback through the network (enclosures 2 and 5).

As recited in independent claims 2, 33, and 52, it is clear that the Applicant's invention is distinguished over the eBay invention in at least the method steps of *notifying the customer service provider that the comment is in the storage, and wherein the steps of inputting and sending by the customer, of receiving the comment and the customer service rating, of notifying the customer service provider, and of inputting by the customer service provider of the response are each performed in substantially real time*. Although eBay does disclose a feedback system, eBay does not disclose real time notifications.

### Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- FUJI XEROX CO LTD (JP 2002298001 A) discloses an Information communication support method in organization, involves transmitting relevant comment from data processing department in response to feedback information about model case output by user.

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Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **James A. Reagan** whose telephone number is **571.272.6710**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James Trammell** can be reached at **571.272.6712**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks**

**Washington, D.C. 20231**

or faxed to:

**571-273-8300** [Official communications, After Final communications labeled "Box AF"]

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Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window**:

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JAMES A. REAGAN

Primary Examiner

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18 January 2006

A handwritten signature in black ink, appearing to read 'J. A. Reagan', with a long horizontal line extending to the right.